05-14-02

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QUITINUED PROSECUTION		(CPA)				
REQUEST TRAN		CHECK BOX, if applicable:				
(Only for Continuation or Divisional application		DUPLICATE				
	Attorney Docket No.	TNDD-002 2				
AddressADEMARK	of Prior Application	INRP:0032				
Assistant Commissioner for Patents Box CPA	First Named Inventor	Jack A. Roth				
Washington, DC 20231	Examiner Name	Crouch, D.				
<b>3</b> ,	Group Art Unit	1632 = = = = = = = = = = = = = = = = = = =				
	Express Mail Label No.	o.   EL 794536973 US				
This is a request for a	cnal application under	37 CFR 1.53(d), 247,681				
(continued prosecution application (CPA)) of prior application	on number <u>09</u> /	447,681				
filed on 11/23/99 , entitled "ADENOVIRUS P53 COMPOSITIONS AND METHODS"						
<u>NOTES</u>						
FILING QUALIFICATIONS: The prior application identified above mus	st be a nonprovisional applic	ation that is either: (1) complete				
as defined by 37 CFR 1.51(b), or (2) the national stage of an international May 29, 2000, a CPA may only be filed in a utility or a plant application	n if the prior nonprovisional a	application was filed before May				
29. 2000. A CPA may be filed in a design application regardless of	f the filing date of the prior	r application. See "Request for				
Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).						
C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed						
under 37 CFR 1.53(b).						
EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior						
application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.						
ACCESS TO PRIOR APPLICATION: The filing of this CPA will be con	ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant					
under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information						
concerning, the other application or applications in the file jacket.	given similar access to, co	opies or, or similar information				
35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and						
none should be submitted. If a sentence referencing the prior application is the specific reference required by 35 U.S.C. 120 and to every applications.	ion is submitted, it will not be	e entered. A request for a CPA				
request, 37 CFR 1.78(a).	nication assigned the applic	alion number luentilled in Such				
WARNING: Information on this form may become public. Credit card information should not						
be included on this form. Provide credit card information and authorization on PTO-2038.						
1. Enter the unentered amendment previously filed on						
under 37 CFR 1.116 in the prior nonprovisional application.						
2. X A preliminary amendment is enclosed.						
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).  a. DELETE the following inventor(s) named in the prior nonprovisional application:						
a. Delete the following inventor(s) named in the prior nonprovisional application.						
b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.						
4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.						
5. Information Disclosure Statement (IDS) is enclosed:	05/15/2002 JADD01 00	0000034 09447681				
a.   PTO-1449	01 FC:231					
b. Copies of IDS Citations		370.00 OP				

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

PTO/SB/29 (10-00)

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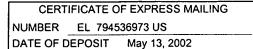
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CLAIMS	(1) FOR	(2) NUMBER FILE	(3) NUM	BER EXTRA	(4) RATE	(5) CALCULATIONS	
1	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	5 -20*	=	0	x \$=	= \$	
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	2 -3** =	:	0	x \$=	-	
7	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) + \$ =						
	BASIC FEE (37 CFR 1.16) 370.00						
		Total of above Calculations =					
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).						
	* Reissue claims in excess of the Reissue independent claim.	20 and over origina	l patent.		TOTAL =	370.00	
<ul> <li>6. Small entity status: Applicant claims small entity status. See 37 CFR 1.27.</li> <li>7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50 -1212/10012299/GNS</li> <li>a. Fees required under 37 CFR 1.16.</li> </ul>							
	es required under 37 Cl						
	8. X A check in the amount of \$ 370.00 is enclosed.						
			·				
9. Payment by credit card. Form PTO-2038 is attached.  10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period ofmonths							
<b>—</b> `	o exceed 3 months) and		37 CFR 1.17	'(i) is enclos	ed.		
11. ∐ New	Attorney Docket Number for application Attorney Docket Number 1	r, if desired mber will carryover to	this CPA unless	a new Attorney D	 locket Number has b	een provided herein.]	
	Receipt For Facsimile Tr						
b. X Return Receipt Postcard (Should be specifically itemized, See MPEP 503)							
13. Other:							
NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.							
14. NEW CORRESPONDENCE ADDRESS							
☐ Custo	mer Number or Bar Code Label				or New c	orrespondence address below	
		(Insert Customer No. or Attach bar code label here)					
Name	· · · · · · · · · · · · · · · · · · ·						
	Address						
Address							
City	State Zip Code						
Country	Telephone Fax						

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED				
Name (Print lType)	Gina N. Shishima			
Signature	Michael C. Byrroth (44, 523) for Gina Shishima			
Registration No. (Attorney/Agent)	45,104			
Date	5/13/02			





#18 py
5/21/02
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MAY 1 7 2002 TECH CENTER 1600/2900 PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Roth

Serial No.: 09/447,681

Filed: November 23, 1999

For: ADENOVIRUS p53 COMPOSITIONS

AND METHODS

Group Art Unit: 1632

Examiner: Crouch, Deborah

Atty. Dkt. No.: INRP:003--2/GNS

## PRELIMINARY AMENDMENT

Commissioner for Patents Washington, D.C. 20231

Commissioner:

Please amend this application as follows:

## In the Claims

Please add the following claims:

- ---86. An adenovirus vector comprising a wild type p53 gene under the control of a promoter.
  - 87. The vector of claim 86, wherein the promoter is the  $\beta$ -actin promoter.
  - 88. The vector of claim 86, wherein the promoter is the SV40 promoter.
  - 89. The vector of claim 86, wherein the promoter is the RSV promoter.--